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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/697,560

10/31/2003

Thomas Grafenauer

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7055 7590 06/06/2007
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1950 ROLAND CLARKE PLACE
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EXAMINER

FERGUSON, LAWRENCE D

ART UNIT

PAPER NUMBER

1774

NOTIFICATION DATE	DELIVERY MODE
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06/06/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

Office Action Summary

Application No.

10/697,560

Applicant(s)

GRAFENAUER, THOMAS

Examiner

Lawrence D. Ferguson

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2007.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-22 is/are pending in the application.
4a) Of the above claim(s) 11-15 and 22 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-5, 7-9, 16-21 is/are rejected.
7) ☒ Claim(s) 6 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment filed March 2, 2007.

Claims 1-9 and 11-22 are pending, with claims 11-15 and 22 withdrawn as a non-elected invention.

RESPONSE TO REQUEST FOR RECONSIDERATION

2. Applicant maintains claim 22 links inventions I and II and should be examined with the elected invention. When all claims directed to the elected invention are allowable, should any linking claim be allowable, the restriction requirement between the linked inventions must be withdrawn. Any claim(s) directed to the nonelected invention(s), previously withdrawn from consideration, which depends from or requires all the limitations of the allowable linking claim must be rejoined and will be fully examined for patentability.

The requirement is deemed proper and is therefore made **FINAL**.

Claim Rejections – 35 USC § 102(b)

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 8, 16, 17 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Kyutoku et al. (U.S. 5,145,732).

Kyutoku discloses a plate (panel) made of compressed fibers, where the fibers in the upper layer move toward the lower layer, which increases the density in the lower layer (column 8, lines 1-5 and 18-29). Kyutoku further discloses the fibers can be moved toward the center direction (core) to have an increased density on the inner side of the material (column 8, lines 40-45). Both sides of the material is coated (column 11, lines 33-35) and are bound by adhesive layers (column 10, lines 46-58). The density of the composite material is less than 700kg/m³ (column 12, lines 43-60).

Claim Rejections – 35 USC § 103(a)

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 9 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kyutoku et al. (U.S. 5,145,732).

Kyutoku is relied on for instant claim 1 as above. Kyutoku discloses the invention is useful in a variety of articles (column 1, lines 13-16) which would include decorative and stamped articles. Kyutoku does not disclose the gluing factor amount or density of the layers as claimed. The experimental modification of this prior art in order to achieve optimum operating conditions fails to render applicants' claims patentable in the absence of unexpected results. *In re Aller* USPQ 233. One of ordinary skill in the art

would have been motivated to adjust the gluing material and density of the layers in order to optimize the (durability of the composite material). (See *In re Boesch and Slaney*, 205 USPQ 215).

Claim Rejections – 35 USC § 103(a)

7. Claims 3, 9 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kyutoku et al. (U.S. 5,145,732) in view of Clausi (U.S. 5,855,832).

Kyutoku is relied on for instant claim 1 as above. Kyutoku does not disclose UF or isocyanates. Clausi teaches a compressed fiber material having a binding agent including urea formaldehyde (UF) and isocyanate (column 13, lines 35-40 and column 14, lines 37-39). Kyutoku and Clausi are both related to compressed fiber material. It would have been obvious to one of ordinary skill in the art for the adhesive material of Kyutoku to comprise UF and isocyanate because Clausi teaches these materials are conventional binding (adhesive) materials.

8. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art of record does not teach or suggest the recited panel further including a gluing factor of less than 20% for isocyanates. The prior art does not teach motivation or suggestion for modification to make the invention as instantly claimed.

Response to Arguments

9. Applicant's remarks to the rejection made under 35 USC 103(a) as being unpatentable over Luck et al. (U.S. 4,283,450) are moot based on grounds of new rejection.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Ferguson whose telephone number is 571-272-1522. The examiner can normally be reached on Monday through Friday 9:00 AM – 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye, can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

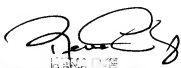
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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).



L. Ferguson
Patent Examiner
AU 1774


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